

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division**

| | | |
|------------------|---|-----------------------|
| IN RE: |) | |
| |) | |
| Henry H. Pittman |) | Case No. 22-50415-SCS |
| |) | Chapter 7 |
| Debtor. |) | |

TRUSTEE’S APPLICATION TO EMPLOY REAL ESTATE AGENT

David R. Ruby, Chapter 7 trustee (the “**Trustee**”) for the bankruptcy estate of Henry H. Pittman (the “**Estate**”), hereby respectfully requests the Court to authorize the Trustee to employ a real estate listing, marketing and sales agent to assist the Trustee in the liquidation of valuable property of the Estate. In support thereof, the Trustee respectfully states as follows:

Introduction and Background

1. On July 5, 2022, Henry H. Pittman (the “**Debtor**”) filed a voluntary petition under Chapter 13 of the United States Bankruptcy Code.
2. During the pendency of the Debtor’s Chapter 13 case, Felicia L. Pittman (*aka* Felecia Norman-Pittman (“**Ms. Pittman**”), the Debtor’s then spouse (and since ex-spouse), sought relief from the automatic stay to permit divorce proceedings to proceed in Maryland state court, including division of property/equitable distribution matters. Relief from stay was granted by the Court’s *Consent Order Granting Relief from Automatic Stay* (Doc. 52).

David R. Ruby, Esquire (VSB# 22703)
Chapter 7 Trustee
ThompsonMcMullan, P. C.
100 Shockoe Slip, Third Floor
Richmond, Virginia 23219
Telephone: (804) 698-6220
Facsimile: (804) 780-1813
Email: druby@t-mlaw.com

3. The Debtor and Ms. Pittman are titled co-owners of valuable property of the Estate – the residential real property located at 105 Larson Court, Newport News, VA 23602 (**the “Estate Property”**). The legal description of the Estate Property is attached hereto as **Exhibit “A”**.

4. The Estate Property is subject to various Maryland state court orders, including, but not limited to, that the Estate Property is to be sold and how proceeds are to be divided.

5. By the Court’s *Order Upon Conversion of Chapter 13 to Chapter 7* (Doc. 103), the case was converted to a Chapter 7 case.

6. The Trustee was appointed and serves as Chapter 7 trustee in the Debtor’s bankruptcy case.

7. The Trustee has declared the case to be an asset case and intends to liquidate the Estate Property for the benefit of the Estate.

Employment of Real Estate Agent

8. To liquidate the Estate Property, the Trustee requires the assistance of a competent and experienced real estate agent to provide evaluation, listing, promotion, marketing, advertising, sales and related services in connection with the Estate Property (the **“Services”**).

9. The Trustee desires to employ Evelyn C. Wilby of Reliance Realty, Inc., Newport News, Virginia (the **“Agent”**) to perform the Services. The Agent has nearly 40 years’ experience in real estate marketing and sales and is backed-up by a locally-owned real estate brokerage firm. The Trustee has employed the Agent many times over a greater than twenty (20)-year period to assist the Trustee in real estate transactions on behalf of bankruptcy estates in which the Trustee has served as trustee.

10. The Agent has agreed to accept the employment, and the Trustee proposes to employ the Agent, on a four percent (4%) commission basis.

11. The ultimate sale of the Estate Property and payment of commissions shall be subject to Court approval after application or motion, notice to appropriate parties and opportunity for a hearing.

12. The Trustee believes that the Agent has the experience and skills necessary to provide the Services and seeks the Court's authority to employ the Agent to perform the Services. The Trustee believes that employment of the Agent is in the best interests of the Estate and is supported by the Trustee's sound business judgment.

13. The name, address and contact information for the Agent are as follows:

Evelyn C. Wilby
Associate Broker
Reliance Realty
703 Thimble Shoals Boulevard, C4
Newport News, VA 23606
Cell: 757-715-1717
Email: evelynwilby@gmail.com; evelyn@insight4title.com

14. On information and belief, no understanding or agreement exists for the division of fees or compensation between the Agent and any other person or entity other than the members and employees of the brokerage firm for which the Agent is employed.

15. On information and belief and except as disclosed below, neither the Agent nor any partner, member or employee of the firm for which the Agent is employed has a relationship to or connection with the Debtor, creditors or any other party in interest, their attorneys and accountants, the United States Trustee or any other person employed in the Office of the United States Trustee. The following connection is hereby disclosed: The Agent has been and currently is employed by the Trustee to perform similar services in other bankruptcy cases on behalf of other bankruptcy estates, and the Trustee plans to continue to employ the Agent in the future.

16. On information and belief, the Agent does not hold or represent any interest adverse to the Estate and is a disinterested party as contemplated under §§ 101(14) and 327 of the Code.

17. The Declaration of the Agent is attached hereto as **Exhibit “B”**.

18. The Application is filed pursuant to § 327 of the Code and Fed. R. Bank. P. 2014.

19. The Application is being served on all parties entitled to notice, namely: (i) the United States Trustee and (ii) the Debtor, and the requisite notice of the time period within which responses may be filed is being provided.

Prayer for Relief

WHEREFORE, the Trustee respectfully requests the Court to enter the proposed Order attached hereto as **Exhibit “C”** and to grant such further and additional relief as the Court shall deem just and proper.

Respectfully submitted,

/s/ David R. Ruby
David R. Ruby, Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June, 2025, a true and accurate copy of the foregoing Application, together with exhibits, were served by first class U.S. Mail (postage prepaid), via e-mail or via the Electronic Case Filing (ECF) system, as appropriate and as indicated, on the following parties plus those receiving service by ECF:

Nicholas S. Herron, Esquire*
Office of the U.S. Trustee
Room 625, Federal Building
200 Granby Street
Norfolk, VA 23510
[nicholas.s.herron@usdoj.gov]
[USTPRegion04.NO.ECF@usdoj.gov]

Ms. Evelyn C. Wilby*
Reliance Realty, Inc.
703 Thimble Shoals Boulevard, C4
Newport News, Virginia 23606
[evelynwilby@gmail.com] [evelyn@insight4title.com]
[Agent]

Carolyn Anne Bedi, Esquire*
Bedi Legal, P.C.
1305 Executive Blvd., Suite 110
Chesapeake, VA 23320
[Debtor's counsel]

Henry Harold Pittman
105 Larson Court
Newport News, VA 23602
[Debtor]

Joseph Romano, Esquire*
BWW Law Group, LLC
8100 Three Chopt Road, Suite 240
Richmond, VA 23229
[Counsel for Legacy Mortgage]

Keith M. Yacko, Esquire*
Robertson, Anschutz, Schneid, Crane & Partners, PLLC
11350 McCormick Road, EP 1, Suite 302
Hunt Valley, MD 21031
[Counsel for Legacy Mortgage]

Felecia L. Pittman*
c/o Daniel M. Press, Esquire
Chung & Press, P.C.
6718 Whittier Ave., Suite 200
McLean, VA 22101
[Counsel for Ms. Pittman]

/s/ David R. Ruby
David R. Ruby

[* Indicates service by ECF or e-mail. All others served by First Class U.S. Mail, postage prepaid.]

Exhibit “A” – Legal Property Description

LEGAL DESCRIPTION

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, known and designated as Lot Numbered ELEVEN (11), as shown on that certain plat entitled, “DEER RUN, SECTION TWO, CITY OF NEWPORT NEWS, VIRGINIA”, dated February 24, 1992, made by Coenen & Associates, Inc., Engineers-Planners-Surveyors, and duly recorded in the Clerk’s Office of the Circuit Court for the City of Newport News, Virginia (the “**Clerk’s Office**”), in Deed Book, 1276, page 1168, to which reference is here made.

Subject, however, to any and all restrictions, easements, rights of way, agreements and conditions of record affecting said property.

BEING the same property conveyed to Henry H. Pittman and Felicia L. Pittman, as tenants by the entirety, from Virginia Enterprises, Inc., a Virginia corporation, by Deed dated November 17, 1992, and recorded January 5, 1993, in the Clerk’s Office in Deed Book 1302, page 1337. Henry H. Pittman and Felicia L. Pittman (*aka* Felecia Norman-Pittman) were divorced pursuant to Judgment of Absolute Divorce entered August 8, 2023, by the Circuit Court of Montgomery County, Maryland, Case No. 176067-FL.

Exhibit "B" - Declaration

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division**

| | | |
|------------------|---|-----------------------|
| IN RE: |) | |
| |) | |
| Henry H. Pittman |) | Case No. 22-50415-SCS |
| |) | Chapter 7 |
| Debtor. |) | |

DECLARATION

I, Evelyn C. Wilby, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a duly licensed real estate agent within the Commonwealth of Virginia and am employed as associate broker with Reliance Realty, Inc. in Newport News, Virginia.

2. I am familiar with the Trustee's Application to Employ Real Estate Agent (the "**Application**") to which this Declaration is attached and believe that I am qualified to provide the Trustee and the bankruptcy estate with the evaluation, listing, promotion, marketing, advertising, sales and related services described therein. I have agreed to accept employment on the terms and conditions set forth in the Application. I understand that all aspects of the employment, including payment of compensation and charges and reimbursement of expenses, are subject to Court authority and approval.

3. No division of fees or compensation between myself and any other person or entity other than between myself and partners, members and employees of Reliance Realty, Inc.

4. Except as stated in the following sentence, neither I nor any partner, member or employee of Reliance Realty, Inc. has a relationship to or connection with the Debtor, creditors or any other party in interest, their respective attorneys and accountants, the United States Trustee or any other person employed in the Office of the United States Trustee. I have been employed and am currently by the Trustee to perform similar services in other bankruptcy cases on behalf of other bankruptcy estates and I hope to be employed by the Trustee in future cases.

5. Neither I nor any partner, member or employee of Reliance Realty, Inc. holds or represents any interest adverse to the Trustee or the estate and I qualify as a disinterested party pursuant to 11 U.S.C. §§ 101(14) and 327(a).

Executed on June ^{11.00}____, 2025.


DocuSigned by:

0644D4E4DEC6400...
Evelyn C. Wilby

Exhibit “C” – Proposed Order

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

| | | |
|------------------|---|-----------------------|
| IN RE: |) | |
| |) | |
| Henry H. Pittman |) | Case No. 22-50415-SCS |
| |) | Chapter 7 |
| Debtor. |) | |

ORDER APPROVING EMPLOYMENT OF REAL ESTATE AGENT

This matter comes before the Court on the Trustee’s Application to Employ Real Estate Agent (the “**Application**”) filed by David R. Ruby, Chapter 7 trustee (the “**Trustee**”) for the bankruptcy estate of Henry H. Pittman (the “**Estate**”).

The Application was filed pursuant to § 327 of the United States Bankruptcy Code (the “**Code**”) and Fed. R. Bankr. P. 2014. In the Application, the Trustee requests the Court to authorize the Trustee to employ Evelyn C. Wilby of Reliance Realty, Inc., Newport News, Virginia (the “**Agent**”) to serve as the Trustee’s real estate agent to sell the residential real property located at 105 Larson Court, Newport News, VA 23602 (the “**Estate Property**”) and to provide evaluation, listing, promotion, marketing, advertising, sales and related services in connection with the Estate Property (collectively, the “**Services**”).

The Application was accompanied by the Agent’s Declaration, a proposed Order and Notice of Application.

David R. Ruby, Esquire (VSB# 22703)
Chapter 7 Trustee
ThompsonMcMullan, P. C.
100 Shockoe Slip, Third Floor
Richmond, Virginia 23219
Telephone: (804) 698-6220
Facsimile: (804) 780-1813
Email: druby@t-mlaw.com

[The time within which responses may be filed expired on July __, 2025. No objections, responses or requests for a hearing have been filed.]

[The Application, Declaration and proposed Order have been reviewed on behalf of the United States Trustee, who has no objection to the relief requested.]

UPON DUE CONSIDERATION AND FOR GOOD CAUSE SHOWN,

THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

1. Pursuant to the Agent's Declaration, the Agent appears to be disinterested, does not represent or hold any interest adverse to the Estate and does not have any connection with the Debtor, creditors or any party in interest or their respective attorneys and accountants or the United States Trustee or any other person employed in the Office of the United States Trustee, except as disclosed in the Application and the Declaration and as follows, which the Court finds to be acceptable: The Agent has been employed and currently is by the Trustee to perform similar services in other bankruptcy cases on behalf of other bankruptcy estates, and the Trustee plans to continue to employ the Agent in the future.

2. The Application is hereby approved.

3. The Trustee is authorized to employ the Agent to perform the Services on a four percent (4%) commission basis, subject to further Order of this Court authorizing the sale of the Estate Property and the payment of commissions.

4. The Trustee is authorized to execute such documents and agreements and to take such action as the Trustee shall deem necessary or appropriate in connection with the employment of the Agent, including the execution of a listing agreement.

Date: _____

Stephen C. St. John, Judge
United States Bankruptcy Court
for the Eastern District of Virginia

Entered on Docket: _____

WE ASK FOR THIS:

/s/ David R. Ruby
David R. Ruby, Chapter 7 Trustee

SEEN AND NO OBJECTION:

Office of the United States Trustee

By: /s/
Nicholas S. Herron
Trial Attorney

(permission to affix electronic signature granted by email 07-__-25)

Office of the United States Trustee
Room 625, Federal Building
200 Granby Street
Norfolk, Virginia 23510

Certification of Compliance with Local Rule 9022-1(C)

Pursuant to Local Rule 9022-1(C), I hereby certify that the foregoing Order has been served on and/or signed by all necessary parties.

/s/ David R. Ruby
David R. Ruby

PARTIES TO RECEIVE COPIES

Nicholas S. Herron, Esquire
Office of the U.S. Trustee
Room 625, Federal Building
200 Granby Street
Norfolk, VA 23510

David R. Ruby, Esquire
ThompsonMcMullan, P. C.
100 Shockoe Slip, Third Floor
Richmond, Virginia 23219

Ms. Evelyn C. Wilby
Reliance Realty, Inc.
703 Thimble Shoals Boulevard, C4
Newport News, Virginia 23606

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division**

| | | |
|------------------|---|-----------------------|
| IN RE: |) | |
| |) | |
| Henry H. Pittman |) | Case No. 22-50415-SCS |
| |) | Chapter 7 |
| Debtor. |) | |

NOTICE OF APPLICATION

David R. Ruby, Chapter 7 trustee in this case (the “**Trustee**”), has filed papers with the Court requesting the Court to authorize the Trustee to employ Evelyn C. Wilby of Reliance Realty, Inc., Newport News, Virginia to serve as real estate listing, marketing and sales agent in the case. A copy of the Trustee’s Application is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the Application, or if you want the Court to consider your views on the Application, then you or your attorney must file a written response in opposition to the Application and supporting memorandum on or before the deadline stated below:

NOTICE

UNDER LOCAL BANKRUPTCY RULE 9013-1, UNLESS A WRITTEN RESPONSE IN OPPOSITION TO THIS APPLICATION AND SUPPORTING MEMORANDUM ARE FILED WITH THE CLERK OF COURT AND SERVED ON THE TRUSTEE WITHIN TWENTY-ONE (21) DAYS OF THE SERVICE OF THIS NOTICE, THE COURT MAY DEEM ANY OPPOSITION WAIVED, TREAT THE APPLICATION AS CONCEDED AND ISSUE AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT FURTHER NOTICE OR HEARING.

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above. The mailing address for the Clerk is as follows:

David R. Ruby, Esquire (VSB# 22703)
Chapter 7 Trustee
ThompsonMcMullan, P. C.
100 Shockoe Slip, Third Floor
Richmond, Virginia 23219
Telephone: (804) 698-6220
Facsimile: (804) 780-1813
Email: druby@t-mlaw.com

Clerk of Court
United States Bankruptcy Court
600 Granby Street, 4th Floor
Norfolk, Virginia 23510

Also, mail a copy of your response to:

David R. Ruby, Esquire
ThompsonMcMullan, P. C.
100 Shockoe Slip, Third Floor
Richmond, Virginia 23219
Facsimile: (804) 780-1813
Email: druby@t-mlaw.com

Office of the United States Trustee
200 Granby Street, Room 625
Norfolk, Virginia 23510

If you or your attorney do not take these steps, including the filing and serving of a written response in opposition to the Application and supporting memorandum, within the time period and in the manner set forth above pursuant to Local Bankruptcy Rule 9013-1, the Court may deem any opposition waived, treat the Application as conceded, and issue an order granting the requested relief without further notice or hearing.

Date: June 11, 2025

/s/ David R. Ruby
David R. Ruby, Chapter 7 Trustee

David R. Ruby, Esquire (VSB #22703)
ThompsonMcMullan, P.C.
100 Shockoe Slip, Third Floor
Richmond, Virginia 23219
Telephone: 804-698-6220
Facsimile: 804-780-1813
Email: druby@t-mlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June, 2025, a true and accurate copy of the foregoing Application, together with exhibits, were served by first class U.S. Mail (postage prepaid), via e-mail or via the Electronic Case Filing (ECF) system, as appropriate and as indicated, on the following parties:

Nicholas S. Herron, Esquire*
Office of the U.S. Trustee
Room 625, Federal Building
200 Granby Street
Norfolk, VA 23510
[nicholas.s.herron@usdoj.gov]
[USTPRegion04.NO.ECF@usdoj.gov]

Ms. Evelyn C. Wilby*
Reliance Realty, Inc.
703 Thimble Shoals Boulevard, C4
Newport News, Virginia 23606
[evelynwilby@gmail.com]
[evelyn@insight4title.com]
[Agent]

Carolyn Anne Bedi, Esquire*
Bedi Legal, P.C.
1305 Executive Blvd., Suite 110
Chesapeake, VA 23320
[Debtor's counsel]

Henry Harold Pittman
105 Larson Court
Newport News, VA 23602
[Debtor]

Joseph Romano, Esquire*
BWW Law Group, LLC
8100 Three Chopt Road, Suite 240
Richmond, VA 23229
[Counsel for Legacy Mortgage]

Keith M. Yacko, Esquire*
Robertson, Anschutz, Schneid, Crane & Partners,
PLLC
11350 McCormick Road, EP 1, Suite 302
Hunt Valley, MD 21031
[Counsel for Legacy Mortgage]

Felecia L. Pittman*
c/o Daniel M. Press, Esquire
Chung & Press, P.C.
6718 Whittier Ave., Suite 200
McLean, VA 22101
[Counsel for Ms. Pittman]

/s/ David R. Ruby
David R. Ruby

[* Indicates service by ECF or e-mail. All others served by First Class U.S. Mail, postage prepaid.]